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Docket No. CDS 226
MAY 23 2001
TECH CENTER 1600/2900
1656
#5
PB
05/30/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of

Thomas J. Cummins, et al.

DIAGNOSTIC COMPOSITIONS,
ELEMENTS, METHODS AND TEST
KITS FOR AMPLIFICATION AND
DETECTION OF TWO OR MORE
DNA'S USING PRIMERS HAVING
MATCHED MELTING TEMPERATURES

Serial No. 09/675,828

Filed: September 29, 2000

Honorable Assistant Commissioner for Patents,
Washington, D.C. 20231

S I R:

Group Art Unit: 1656

Examiner: T. Strzelecka

I hereby certify that this
correspondence is being
deposited today with the United
States Postal Services as first
class mail in an envelope
addressed to: Commissioner of
Patents, Washington, D.C. 20231

C. Gowen
Name: Catherine Kurtz Gowen
Date: May 17, 2001

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO
ACID SEQUENCE DISCLOSURES**

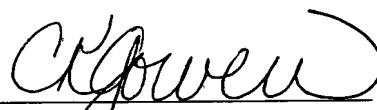
This is in response to the Notice to Comply dated April 26, 2001, wherein the Patent Office stated that the instant application fails to comply with the requirements of 37 C.F.R. 1.821-1.825 in that a copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). A response to this Notice to Comply must be filed within 30-days, by May 26, 2001.

The Sequence Listing in this application, 09/675,828, is identical with that filed in Application Number 08/062,023, filed May 14, 1993. In accordance with 37 C.F.R. 1.821(e), please use the computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number

and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application. As requested, a copy of the Notice to Comply is attached.

If any fees are due in connection with the filing of this response, authorization is hereby granted to charge the amount of such fee to Deposit Account No.10-0750/CDS-226/CKG in the name of Johnson & Johnson. This sheet is submitted in triplicate.

Respectfully submitted,



Catherine Kurtz Gowen
Attorney for Applicants
Registration No. 32,148

DATE: May 17, 2001

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Telephone No. 732-524-2681
Facsimile No. 732-524-2808



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Notice to Comply

Application No.

09/675,828

Examiner

Teresa E Strzelecka

Applicant(s)

MAY 23 2001
COMMINS EPAL

Art Unit

TECH CENTER 1600/2900
1656**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa Strzelecka whose telephone number is (703) 306-5877. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached at (703) 308-1152. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

TS
Kenneth R. Horlick
KENNETH R. HORLICK
PRIMARY EXAMINER 4/25/01
GROUP 18001600